

WEATHER FORECAST.

Fair to-day; to-morrow unsettled, with showers; no change in temperature. Highest temperature yesterday, 73; lowest, 57. Detailed weather reports will be found on editorial page.

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CITY HELD UP FOR \$444,000 IN JOB ON NEW HOSPITAL

Lockwood Investigators Hear How Contractor Got 50-50 Split of Profits After Going Bankrupt.

ADVISED HIS SUCCESSOR

With \$219,000 Work Undone on Cumberland St., Brooklyn, Building Best Bid Was \$663,000.

UNTERMYER-BARNES TILT

U. S. Attorney's Office Scored for Failing to Prosecute Bidders on Plumbing for the Government.

Amazing evidence of pyramiding of city contracts in connection with the new Cumberland Street Hospital, Brooklyn, was brought out yesterday by Samuel Untermyer, chief counsel for the Lockwood legislative committee, through witnesses whose examination began shortly before adjournment. That phase of the inquiry will be continued to-day.

Beides showing how the city had been forced to enter into a contract for \$663,000 to complete work on the hospital that would have cost only \$219,000 by the original contract, the further disclosure was made that the defaulting contractor had entered into an oral agreement with his successor to split the profits, estimated at \$100,000, on a fifty-fifty basis.

Under the original contract the hospital was to cost the city \$557,000. After 65 per cent. of the work had been completed and \$238,000 paid, the contractor defaulted, leaving to be done approximately 35 per cent., or about \$219,000 worth of work. The highest bid received to complete the contract was for \$746,333 and the lowest \$663,000.

City Contract for \$557,000.

The Cumberland Street Hospital matter dates back to October, 1917, when the Department of Public Charities entered into a contract with Albert Winternitz for the construction of the institution for \$557,000. The city was indemnified by surety bonds amounting to about \$125,000, Winternitz by his own statement that the time being financially responsible. In November, 1919, after he abandoned the contract, the city advertised for new bids for the \$219,000 unfinished portion of the work and awarded a contract to the One Hundred and Seventy-fourth Street Construction Company, which was the lowest bidder, at \$663,000. The new contract was awarded September 24, 1920, and executed a month later, it being signed by one Ignatz Roth as president of the construction company. Meantime Winternitz, the original contractor, had gone into voluntary bankruptcy.

Through Winternitz, who signed a waiver of immunity, Mr. Untermyer brought out yesterday that on September 15, 1920, a few days before the award of the new contract, the witness had been introduced to Ignatz Roth by his brother-in-law, Herman Replew. The witness admitted that oral agreement had been entered into at that time to divide the profits on an equal basis if Roth's company should be the successful bidder. Winternitz identified a claim, which, it was said, however, was later withdrawn, filed with the City comptroller on the basis of this oral agreement.

This claim sets forth that in consideration of certain knowledge transmitted to the 174th Street Construction Company by Winternitz concerning the Cumberland Street Hospital contract the company agreed to pay Winternitz 50 per cent. of the profit, estimated at \$100,000. The subcontractors identified with Winternitz's original contract also appeared in the new contract made by the city with Roth.

Forgets How He Got Money.

After considerable coaching by Mr. Untermyer Winternitz admitted he had started the company by depositing some money with a branch of the Chatham and Phoenix National Bank. He could not remember how much money, or where he got it. All he could recall was that he and his three associates together had put up \$5,000, organized and entered into the agreement with Ignatz Roth's 174th Street Construction Company, which to date it was shown had received \$155,597 from the city on account of its \$663,000 contract. At this point in the testimony the committee adjourned until to-day.

After a tilt between Mr. Untermyer and Earl B. Barnes, Assistant United States Attorney, in which Senator Charles C. Lockwood occasionally joined, marked the testimony of Elliott C. Brown, president of an engineering and construction company bearing his name, and who was Commander of the Naval Reserves in charge of construction work at the Brooklyn Navy Yard during the war.

The witness testified that when he sought bids for the plumbing work for a

WOMEN JURORS FINISH MURDER INDICTMENT

Bill Returned Within Half Hour After Mrs. Laura White, as Jersey's First Feminine Foreman, Calls Body to Deliberate on Case at Mays Landing.

Special Despatch to THE NEW YORK HERALD.

ATLANTIC CITY, May 10.—Half an hour after the May term of the Atlantic county Grand Jury convened at Mays Landing, N. J., to-day, with Mrs. Laura White, wife of Judge John J. White of the New Jersey Court of Errors and Appeals, as foreman, an indictment charging murder was returned in the case of Joseph Vell, accused of shooting Daniel Matinella at Buena Vista March 17 last. There are three other women serving on the Grand Jury.

Mrs. White is the first woman to head a New Jersey Grand Jury. She was appointed by Supreme Court Justice Charles J. Black, and accepted without hesitation. She is prominent in social and civic life and is a regular director of New Jersey's Association of Republican Women's Clubs.

The Grand Jury term promises to be interesting in view of a prospective

investigation of the expenditures of the Board of Freeholders in Atlantic county. The January Grand Jury made an investigation but found nothing to warrant indictments. In charging the new Grand Jury, however, Justice Black suggested that "it might be wise" for the jury to go over the Freeholders' affairs. He said he had no knowledge that would justify any statement derogatory to the present Board of Freeholders, but the grand jurors were guardians of the county government and should be watchful.

Beides Mrs. White the women jurors are Mrs. Lydia M. Leeds, wife of Henry W. Leeds, head of the Chalfont-Haddon Hall Hotel Company of Atlantic City, who, like Mrs. White, is a friend; Mrs. Caroline Barnshaw, wife of a detective captain of Atlantic City, and Mrs. Helen Abbott, wife of the Atlantic county Surrogate. Mrs. White and Mrs. Leeds affirmed the oath of a grand juror.

WOMEN ARRESTED IN WHISKEY RAID

Murray Hill District Invaded and Girl Carrying Bottle Is Seized.

PRIVATE HOUSE ENTERED

Detectives' Act After Watching Place for Several Days—Police Placed on Premises.

Detectives of Inspector Underhill's staff in the Fourth district invaded the outskirts of the Murray Hill district yesterday and in the house at 145 East Thirty-eighth street arrested two young women and confiscated what they described as eleven bottles of liquor. The raid followed a week's surveillance of the house, it was explained, where the prisoners were arrested. Both of the young women, according to the police, were indignant over the action of the detectives, one of them saying she saw no harm in wrapping up a bottle of liquor and carrying it under her arm.

One of the prisoners, who described herself as Miss Sarah Shepherd, 28, one of the residents of the East Thirty-eighth street house, told the detectives that she drove an American army ambulance in the early part of the war and was distinguished from the French Government. The other, describing herself as Miss Frances Plance, 24, of 490 West 166th street, said she was a stenographer, employed by "Mr. Katz," a lawyer. At the West 166th street address Claire Plance was not known, but the father and brother of Claire Plance, 18, given her by Miss Shepherd, the young woman at the door.

Miss Plance, the police related, was leaving the house where the raid was made when Detectives Dowd and Droiski stopped her.

"What have you got in that package?" Dowd asked, pointing to a bundle she carried under her arm.

"It is a bottle of Scotch," she answered. "What?" he asked further that Miss Plance giggled and said her bundle was a bottle of Scotch.

FRANCE TO JOIN U. S. ON DECORATION DAY

Will Send Troops to Pay Honor to American Dead.

By the Associated Press. PARIS, May 10.—The French Government and the French Veterans Association will cooperate May 30 in American Memorial Day services over the graves of American war dead in France. The Government desires to send detachments of French troops to pay honors over the American graves and the Veterans Association has arranged to send delegations to eighty-seven places where Americans are buried. The limited American facilities will only enable the memorial committee to hold exercises in about forty-eight cemeteries.

The principal observance from the public point of view will be at the Arc de Triomphe in Paris on Sunday, May 29, where contingents of the American forces from Cologne will take part.

STILLMANS' MAID DENIES NOTE THEFT

Wife's Lawyers Say Missing Miss Kelly Is Found and Supports Her Side.

SECRETED UNTIL TRIAL

A \$60,000 Check Passed in 1918 or 1919, When Banker Was Ill, Is Discussed.

Mary Kelly, the former maid in the home of James A. Stillman, and who disappeared soon after Mr. Stillman's divorce action was begun, has been found, it was learned yesterday, and will take the stand for Mrs. Anne Urquhart Potter Stillman and her thirty-months-old son, Guy Stillman. Lawyers engaged in Mrs. Stillman's defense are banking on Miss Kelly to destroy the legal value of much of the testimony already submitted in the banker's behalf and particularly that part of it which affects the legal rights of baby Guy.

Miss Kelly was reported as being in Europe and it now develops that she actually was there. She heard that she had been accused of stealing from a drawer in Mrs. Stillman's bedroom the seven letters alleged to have been written by Fred Beauvais, the correspondent, which figure prominently in the case, and wrote to Mrs. Stillman's lawyers that the statement was untrue.

A series of letters passed between Miss Kelly and the lawyers, it is said, with the result that she returned to this country, arriving here a few weeks ago. Her movements were guarded so the operation would not leak to the public. She went to a town within 100 miles of the city and will remain there until called upon to testify.

Both sides have been searching for the maid since the suit was begun, as both considered her testimony of vital importance. John E. Mack, guardian of the letters, said that he was particularly anxious to get hold of her because she is one of the few persons who can say whether Mr. and Mrs. Stillman lived under the one roof during the early spring of 1918.

Although of the same name, Kelly, the former superintendent of the Stillman estate and Miss Kelly are not related. They were employed by the Stillman family about the same time, but Miss Kelly continued as Mrs. Stillman's maid long after the superintendent had left. Kelly was superseded by Beauvais in the management of the Stillman properties in the autumn of 1919. It is understood that Miss Kelly was the maid who accompanied Mr. and Mrs. Stillman to the city in April, 1918, when the banker was almost continuously in the company of Mrs. Stillman during the period of the allegations that affect Guy Stillman.

Detectives working for Mrs. Stillman are searching for a nurse who is understood to have attended the banker during a short illness he had some time in 1918 or 1919.

Mr. Stillman, according to the information in the hands of the lawyer, was confined to his home in this city for several days. Mrs. Stillman then came to the family residence in Pleasantville. Soon after the banker regained his health a check for \$60,000 passed through the bank, which has become a matter of interest to the lawyers.

Lawyers following the Stillman suit have been discussing recently an action that appeared in the courts in 1918. In this case a woman sued for divorce and the husband set up an affirmative defense, as Mrs. Stillman does. The referee found both parties guilty of the charges alleged and there consequently was no divorce.

The woman subsequently started an action for separation, alleging desertion. The lower court granted her one and allowed her alimony, but an appeal was taken and the Appellate Division upset the findings of the lower court, stating she was not entitled to a separation because the evidence adduced in both proceedings was not sufficient.

HARDING RESCINDS WILSON ORDER ON POSTMASTERSHIPS

Ruling Says Placing Posts Under Civil Service Is Legislative Act.

ANNOUNCES HIS POLICY

All Appointments to Be Made After Open Competitive Tests.

LEGISLATION LOOKED FOR

Opposes 'Cloistered, Scholastic Examination,' but Seeks Efficiency.

Special Despatch to THE NEW YORK HERALD.

New York Herald Bureau, Washington, D. C., May 10.—President Harding issued an executive order to-day rescinding the order of President Wilson putting all first, second and third class postmasters in the classified civil service.

The Wilson order would have given a full tenure to all Democratic postmasters appointed under the Wilson Administration.

The Harding order provides that all existing vacancies be filled by appointment of a man in the classified civil service, or by the appointment of a man who shall be among the first three recommended for appointment by a civil service examination.

President Wilson's order was regarded as a political trick to remove postmasters from Executive patronage. President Harding, in meeting the issue, expressed the opinion that such appointments should be governed by Civil Service law, but that the placing of the appointees under civil service was a legislative and not an Executive function.

Civil service procedure is to be applied to all places under the Executive order, which provides: "When a vacancy exists or hereafter occurs in the position of postmaster at an office of the first, second or third class, if such vacancy is not filled by the Government within the competitive classified civil service, then the Postmaster-General shall certify the fact to the Civil Service Commission, which shall forthwith hold an open competitive examination to test the fitness of applicants to fill such vacancies, and when such examination has been held and the papers connected therewith have been rated, the said commission shall certify the results thereof to the Postmaster-General, who shall submit to the President the name of one of the highest three qualified eligibles for appointment to fill such vacancy unless it is established that the character or residence of any such applicant disqualifies him for appointment."

Reappointment Allowable.

"Provided, That at the expiration of the term of any person appointed to such position through examination before the Civil Service Commission the Postmaster-General may in his discretion submit the name of such person to the President for reappointment without further examination."

"No person who has passed his fifth birthday or who has not actually resided within the delivery of such office for two years next preceding such vacancy shall be given the examination herein provided for."

Under this order, it is desired to make nomination for any office of a person in the competitive classified service, such person must first be found by the Civil Service Commission to meet the minimum requirements for the office.

A statement given out at the White House explaining the order said: "There are 52,332 postmasters. Of these 29,433 are in the fourth class and are now under such civil service laws and regulations as bring them within the privileges and conditions of the classified service."

"Of the remaining 12,900 post offices, 700 are first class, 2,617 are second class and 9,582 are third class. Obviously, these offices are business agencies of the Government in legal purpose and so become so in fact. The only certain ultimate way to bring this about is to classify first, second and third class postmasters."

Purpose of Examination.

"Moving in that direction, however, the executive order issued to-day provides that if any such vacancy is not filled by nomination for promotion of one from within the competitive classified service, then an open competitive examination shall be held and the appointment shall be made from one of the highest three eligibles, as required now by law in the classified civil service."

"Under this order the kind of test and plan of investigation and examination which shall be provided for, shall be approved by the President, and shall be based on the applicant's business training, experience, fitness, organizing and executive ability, and general qualifications for an efficient administration of post offices, whose terms have expired and will apply to all other incumbents as their present terms expire."

It is considered likely that the third hearing in Stillman vs. Stillman will be held in the chambers of Daniel J. Gleason, the referee, at Poughkeepsie on May 18 or 19. Mr. Gleason is Surrogate of Dutchess County and his duties as such demand his continued presence in Poughkeepsie, the county seat. He also is not in the best of health and recently injured his leg in an accident, which has since compelled him to walk with a cane.

GERMANS YIELD EVERYTHING; AGREE TO PAY \$33,750,000; NEW CABINET IS MAKESHIFT

ESSEN WORKMEN URGED TO RESIST

Walls Placarded Against 'Demands of Lying Agents of Entente Capitalists.'

BANKS REMOVE PAPERS

Unionists Scoff at Promises of Cheaper Food and Wine in Ruhr Regions.

By the Associated Press.

ESSEN, May 10.—The United Workmen's Union has placarded the walls urging all workers to "resist the demands of the lying agents of Entente capitalists."

The union "scorns the allied promises to bring the miners better and cheaper food and wine," but says that all workmen in the Ruhr are ready to help rebuild the devastated regions.

Posters also appeal to all native born Upper Silesians to join the Silesian police, being organized at Hagen, "to save Upper Silesia."

The branches of the Deutsche Droschen Bank have been removing in the last few days some of their documents and books to Berlin. The Municipal Council, upon the return of the Burgo-master, Dr. Luther, from Berlin, has decided not to remove the city archives, as they are of no interest to the Allies.

DUSSELDORF, May 10.—"Our relations with the French authorities thus far have been correct on both sides," Dr. Grutznick, President of the Provincial Government of Rhineland Prussia, in which the Ruhr is situated, informed the correspondent of the Associated Press to-day. A number of questions regarding the present situation had been submitted to President Grutznick, but he was not willing to be quoted, and delegated four State Councilors to receive the correspondent at the State House.

Based on the Councilors' conversation, the following may be taken as the Provincial Government's official viewpoint. Officially the Government knows nothing incorrect regarding the behavior of the French troops, although it is said the population feared to make complaints. The trouble in this district has been caused mostly by what is deemed the excessive requisitioning of apartments and residences for officers and non-commissioned officers.

In the event of further occupation by the Allies the Provincial Government will continue to supervise local affairs, provided there is nothing incompatible with their oaths as state employees. The Government will cooperate with the French authorities in the carrying out of the Ruhr mine industries, but it was pointed out, "only because the members of the Government are men of peace and martial and heavy penalties if they refuse," thereby bowing to force.

There is not a single member of the Reichswehr in the immediate vicinity of the Ruhr, unless there be some on furlough.

TROOPS IN MUEHLHEIM ONLY REINFORCEMENTS

France Explains That Advance Has Not Yet Begun.

PARIS, May 10.—Taking cognizance of German reports that French troops had occupied various localities within the town of Muehlheim, on the Rhine River, semi-official French sources to-day explained that any such move did not indicate that an advance into the Ruhr had begun.

"No advance of troops has as yet taken place in the Ruhr," the semi-official statement read. "The units ready for action have been reinforced, this being true of those of the troops who were in Muehlheim."

CHAPLIN BURNED IN LOS ANGELES STUDIO

Falls Over Blow Torch and Trousers Catch Fire.

LOS ANGELES, Cal., May 10.—Charlie Chaplin was painfully but not seriously burned at his motion picture studio here to-day when he fell over an acetylene blowtorch, which was part of the "set" in which he was working.

His trousers caught fire and he was burned from ankles to waist.

A torch similar to the one employed by regular plumbers was being used by an actor-plumber in a setting representing a hotel interior. Into the scene walked Chaplin with his funny coat and baggy trousers, derby hat and cane. His business was to stumble over the torch and this he did. But he did not recover his balance as he intended and fell into the bluish yellow flame. His clothing was on fire in an instant. Miss Edna Purviance was working in the scene with him and helped Carl Robinson, one of the Chaplin staff, in beating out the flames.

Wirth Tells Germany to Do Her Utmost to Fulfill Terms

By the Associated Press.

BERLIN, May 10.—In his speech to the Reichstag Dr. Wirth said:

"In view of the termination of the time limit set by the allied ultimatum, I must ask you to express your opinion by an immediate decision. There is no possibility for us other than acceptance or rejection. The victors have so decided."

"Acceptance means that we declare our readiness to bear in voluntary labor the heavy financial burdens demanded year by year. Refusal would, however, mean surrendering the basis of our entire industrial activities, and, as a consequence, dismemberment of our economic body, already so greatly weakened, and the shackling of our entire industrial life."

"But the effects might be even more terrible for our political existence and our realm."

"For these reasons the Government accepts the ultimatum. We know that acceptance, by reason of the place Germany will occupy in the economy of the world, will entail the gravest consequences. The responsibility for this falls on the Allies."

"But there is one point concerning which there must be no obscurity. It would be useless to say 'yes' without the resolution to do our utmost to meet the obligations imposed upon us. By acceptance we believe we will remove the imminent threats of occupation of the Ruhr. The fear often expressed that occupation will take place in any case, whether we sign or not, is not supported by any passage in the ultimatum."

"There is no need for me to show why, in taking the decision, we ought to turn our eyes to Upper Silesia. In that respect we have firm confidence in the results of the plebiscite."

"The treaty, which casts a heavy burden upon us, entails for the allied Governments sacred duties, as the British Premier himself expressly acknowledged recently."

"Ladies and gentlemen (there now are women members of the Reichstag), the new Government, after reflection, advises you in all confidence to accept the ultimatum."

POLES IN SILESIA TO START A REPUBLIC UP SOON IN HOUSE

Insurgents Planning to Establish New Government and Summon Assembly.

WARSAW DENIES IT AIDS

Says Frontier Was Closed as Quickly as Possible and No Troops Passed.

By the Associated Press.

WARSAW, May 10.—The Upper Silesian situation is reported by newspaper dispatches to-day to have taken a new turn, messages from Silesia declaring that the executive committee of the insurgents is planning to proclaim the sections of Silesia now under insurgent control an independent republic.

The reported plan calls for the establishment of a provisional government and the summoning of a constituent assembly.

The reports declare the executive committee began negotiations with the Interallied Commission after the plans were framed.

The Polish Government has formally denied reports that Polish troops have participated in the insurrection and contends that the frontier between Poland and Silesia was closed as quickly as possible, and that not even irregular troops crossed the border.

Newspapers of all shades of opinion blame the recent demonstrations against the British and Italian legations in Warsaw, which have occurred repeatedly during parades organized to express sympathy in favor of the insurrection, on irresponsible labor leaders and other elements of the people.

In the latest demonstration several hundred men who responded to a call for Polish-Americans to uphold the Polish claims in Silesia, passed the streets carrying American flags. During this parade memorials were distributed urging allied sympathy and justice for the Polish cause.

In Warsaw agitation in favor of the insurgents continues, but is beginning to show signs of moderation.

VON ARNIM'S 10,000 READY TO FIGHT POLES

Reichswehr Deserters Will Try to Crush Korfanty.

PARIS, May 10.—A despatch to the Havas Agency from Oppeln says Reichswehr deserters are forming large organizations between Breslau and the Upper Silesian frontier. It is feared, the despatch adds, that about 10,000 of these troops, grouped in the Kreuzburg district under the command of Gen. von Arnim, will march on Rosenberg, which is now held by the Poles.

Other reports say that some 40,000 German irregulars are concentrated behind the frontier, ready to move on May 12, when the allied ultimatum expires, and drive the Korfanty forces out of Upper Silesia.

RIISING OF THE POLES CONDEMNED BY ALLIES

By the Associated Press.

OPPELN, Upper Silesia, May 10.—The Interallied Commission has issued a proclamation to the people of Upper Silesia, saying: "The allied Powers are fully agreed in condemning the distur-

Reichstag Surrenders to Ultimatum by a Vote of 221 to 175 on Advice of New Chancellor.

ENDS WILD STRUGGLE

Dr. Wirth for Two Nights and Days Had Worked to Crystallize Sentiment for the Inevitable.

FRANTIC TO SAVE RUHR

Disarmament, Trial of War Criminals and Other Neglected Versailles Treaty Items to Be Fulfilled.

By the Associated Press.

BERLIN, May 10.—Germany has accepted the allied ultimatum. The Reichstag to-night by a vote of 221 to 175 yielded to the final demands of the allied Powers, and in so doing agreed to fulfill the terms of the Treaty of Versailles "to the capacity" of the nation to do so.

The Ministry received the votes of the Majority Socialists, Clericals, Independent Socialists and a few scattering Democratic votes. The Nationalists, German People's party, Communists and Bavarian People's party, which nominally votes with the Wirth Clericals, opposed acceptance.

The debate on the issue of accepting or rejecting the ultimatum consumed three hours, the representatives of eight parties participating. There were no demonstrations. Not one of the retiring Ministers was in evidence. The only novelty was the reappearance of Majority Socialists in the Ministry.

Dr. Wirth, the Centrist leader, finally succeeded in forming a coalition Cabinet, composed of Centrists, Majority Socialists and Democrats, which, confronted by grave necessity, speedily decided that acceptance of the ultimatum was the only course.

In making this announcement to the Reichstag the new Chancellor asked for an immediate decision by that body, and in the voting which followed the Government was sustained.

The allied ultimatum required a definite reply, based on "yes" or "no." No conditional reply would be entertained, and the ultimatum was formulated to expire on the night of May 12.

Disarmament Provided For.

The total sum which Germany is called upon to pay is £8,750,000,000 (185,000,000,000 marks gold, or \$33,750,000,000). Disarmament must be carried out by Germany in accordance with the provisions of the treaty, and the trial of war criminals must be put into effect. Numerous other important terms, in which Germany has been in default, will be enforced, including the payment of 1,000,000,000 marks within twenty-five days and the disbanding of civilian semi-military forces in Bavaria and East Prussia.

Non-compliance with the allied ultimatum would have subjected Germany to the occupation by the Allies of the Ruhr Valley and whatever other military and naval measures were deemed advisable.

The new Cabinet is generally regarded as a makeshift largely unrepresentative, but good enough to accept the Entente ultimatum, and thus avoid a French advance into the Ruhr.

While the Cabinet obtained a comfortable majority in the Reichstag it has the undivided support of only the Majority Socialists and Clericals. The members of the other parties, it is declared, have given it support as a makeshift, and are not pledged to give it parliamentary support.

A leading Democratic member of the Reichstag said to-day: "The Cabinet cannot last, as it is not on a broad enough basis to carry out the myriad of financial and economic problems involved in German acceptance of the reparations settlement. We Democrats have loaned Schiffer and Gessler to the Cabinet, reserving to ourselves the right to withdraw them later unless the Cabinet is amplified to include the German People's party."

Chancellor Is in Disfavor.

Dr. Wirth, the Chancellor, is unfavorably regarded by the industrialists and banking interests, because he is closely associated politically with Matthias Erzberger his predecessor, as Finance Minister, who advocated a raid on capital rather than indirect taxes, as a means of meeting Germany's pressing financial needs.

The conservative elements in the